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Minutes

Board of Elevator Regulations

One Ashburton Place, Room 611

September 29, 2015, 1:00PM

Board Members Present:

Edward Sandell, Chairman
David Gaudet, Member
David Morgan, Member
Cheri Davis, Member
Tom Riley, Member

Board Members Absent:

John O'Donoghue, Member
Harold McGonagle, Member
Michael Nicoloro, Member

Guests Present:

Paul Warkentin (Davis Square Architects)
Patrick Mosesso (Rojo Company Inc)
Dianne Shalvey (Rojo Company Inc)
David Steward (Church of Oxford)
Paul Hasbrouck (Worcester Elevator)
Joe Cronin (3 Phase Elevator)
Rich Nolan (3 Phase Elevator)
Ethan J. Clough (DPS)
Deirdre Hosler (DPS)

1. The Board of Elevator Regulations ("Board") reviewed the Meeting Minutes from September 22, 2015. **A motion to approve these minutes as amended was made by Cheri Davis, seconded by Tom Riley. 5-0 Vote.**
2. Deirdre Hosler, Deputy General Counsel for the Department of Public Safety ("Department"), informed the Board that George Ramian is the new Acting Chief of Elevator Inspections for the Department. Mrs. Hosler recommended that the Board elect Edward Sandell as Chairman for the Board of Elevator Regulations. A motion was put forth by Tom Riley to elect Edward Sandell as Chairman to the Board of Elevator Regulations. The motion was seconded by David Morgan.

Motion by: Tom Riley

Seconded by: David Morgan

Vote: 5-0; Motion Granted

The Board discussed the following:

3. **1287 Commonwealth Avenue – Boston, MA
524 CMR A17.1-1996, Part XX 2000.1a(1)**

Owner: CommGlenn LLC, c/o Allston Brighton Community Development Coporation

Petitioner: Paul Warkentin

The petitioner came before the Board requesting a variance from 524 CMR A17.1-1996 Part XX 2000.1a(1) – "the car platform shall not have more than two openings". The petitioner is the architect for a wheelchair-lift renovation project located at 1287 Commonwealth Avenue in Boston. The proposed wheelchair lift will have 3 stops that require doors on different sides, but the current elevator code only allows 2 doors. The petitioner provided the Board with architectural drawings and pictures of the

wheelchair lift. A motion was put forth by Cheri Davis to place this variance on hold until the petitioner gathers more information from Garaventa Lift. The motion was seconded by Tom Riley.

Motion by: Cheri Davis

Seconded by: Tom Riley

Vote: 5-0; Placed on Hold

**4. 57 Providence Highway – Norwood, MA
524 CMR 35; ASME A17.1-1996 Part XX 2000.7a**

Owner: Kingdom Properties

Petitioner: Patrick Mosesso

The petitioner came before the Board seeking a variance to exceed the vertical travel distance of a wheelchair lift to 12'-10". The petitioner explained that this wheelchair lift will not go through a floor because it will be installed in a hallway. The petitioner confirmed that this lift meets all other elevator codes. A motion was put forth by David Morgan to allow a vertical travel distance of 12'-10" on the proposed wheelchair lift at 57 Providence Highway in Norwood, MA. The motion was seconded by Tom Riley.

Motion by: David Morgan

Seconded by: David Gaudet

Vote: 5-0; Granted

**5. 1 Waterhouse Street – Cambridge, MA
524 CMR – Section 3E**

Owner: The Niles Company

Petitioner: Joseph Cronin

The petitioner came before the Board seeking a variance from Section 3E of 524 CMR, which states that there shall be no non-elevator related equipment located in an elevator Machine Room. The petitioner explained that this building has existing wiring and piping located in the machine room. The petitioner stated that it would be extremely difficult to remove the wiring and piping based on where it is installed. A motion was put forth by David Morgan to grant the variance from 524 CMR 35 ASME A17.1-2004 2.7.2.1 under the conditions that (1) signage is posted on the Machine Room door warning non-licensed personnel of access (2) Proper signage is posted on the existing electrical equipment warning Elevator personnel that does not pertain to elevator equipment (3) Requirement to install a cage system built around the machine to protect personnel (4) Requirement to have controller locked for access only by licensed personnel. The motion was seconded by Cheri Davis.

Motion by: David Morgan

Seconded by: Cheri Davis

Vote: 5-0, Granted

**6. 355 Main Street – Oxford, MA
524 CMR 35 Part 5.2.1.11(1) "Door to Sill Dimension"**

Owner: First Congregational Church of Oxford

Petitioner: David Stewart

The petitioner came before the Board seeking a variance from a DPS Inspector's Report dated 7/16/15 where the inspector cited 524 CMR 35 5.2.1.11(1) "door to sill dimension is too great". The church had an elevator installed in 1987 with collapsible gates and swing doors. The inspector acknowledged a 3-inch space between the closed swing door and the car gate, but the current code only allows ¾ inch. This change in code does not accommodate the existing 32-inch door. The parishioners who ride this elevator are having a difficult time entering and exiting the unit because of the tight space. The petitioner formally requested a variance for the space between the swing door and the car gate. The Board discussed the possibility of an owner specific variance and decided to refer to legal counsel on this matter. A motion was put forth by Cheri Davis to place this variance on hold until the petitioner can provide the Board with a sketch of every floor depicting exactly how much clearance would remain if they extended the baffle up

higher. The Board will hear this petition once the drawings are submitted to the Board. The motion was seconded by David Morgan

Motion by: Cheri Davis

Seconded by: David Morgan

Vote: 5-0; Placed on Hold

7. Code Review

(A) – The Board discussed how they will move forward with the adoption of ASME A17.1-2013. The Board members reviewed definitions of various words in the 2004 code. The Board discussed renewal procedures for elevator companies under 524 CMR Section 5.

(B) – Deirdre Hosler, Deputy General Counsel for the Board, discussed the public's request for approval of Pneumatic Elevators in the State of Massachusetts. This topic falls under Executive Order 562 which was put in place "to reduce unnecessary regulatory burden". Currently, Pneumatic Elevators don't exist in Massachusetts because there is no code under which a Massachusetts State Inspector can inspect and permit this type of installation. The public's requests for approval of Pneumatic Elevators were presented to the Board in the form of emails and letters. The Board discussed the possibility of meeting with a manufacturer of Pneumatic Elevators.

Matters Not Reasonably Anticipated 48 Hours in Advance of Meeting

Exhibit List:

Exhibit 1: Meeting Minutes from September 22, 2015

Exhibit 2: 1287 Commonwealth Avenue – Boston, MA

Exhibit 3: 57 Providence Highway – Norwood, MA

Exhibit 4: 1 Waterhouse Street – Boston, MA

Exhibit 5: 355 Main Street – Oxford, MA

Exhibit 6: Code Review

Exhibit 6a: Lynne Rahmeier email dated September 29, 2015

Exhibit 6b: Maryann Conway email dated September 23, 2015

Exhibit 6c: Rachel Silver email dated September 11, 2015

Exhibit 6d: Gail M Fields email dated September 11, 2015

Exhibit 6e: Charles Kenny email dated September 11, 2015

Exhibit 6f: Tammy Must email dated September 11, 2015

Exhibit 6g: Barry Barnes email dated September 11, 2015

Exhibit 6h: Patricia C. Michaud dated September 8, 2015

Motion to Adjourn by David Morgan, seconded by Cheri Davis. Hearing concluded at 4:00 p.m.

Prepared by: Ethan J. Clough